IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.9127/2006.

State of Rajasthan through Tehsildar Baran
Vs.
Dadu Navyuvak Mandal, Dadupanti Samja, Baran

Date of order : 5/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Harshvardhan Nandvana, Government Counsel for the petitioner-State.

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Heard learned counsel for the petitioner.

2) The petitioner has challenged the order dated 9/9/2002 whereby, the Board of Revenue, Ajmer rejected the reference made by the Additional Collector Baran to it under the provisions of the Rajasthan Tenancy Act, 1955 on the premise that transfer of the land of Dadu Navyuvak Mandal,Dadupanthi Samja, Baran in favour of certain persons was made in violation of Section 46 of the Act of 1955 and consequently, the mutation entered in their name was also illegal. The Board of Revenue has not entertained

the reference holding tht reference has been made without any notice to those in whose favour the land was subsequently recorded and mutation entered. The Board of Revenue further held that Additional Collector upon hearing the concerned parties, can again make fresh reference.

3) In the circumstances, the aforesaid approach of the learned Board of Revenue cannot be held to be illegal or otherwise perverse. If at all, an order of reference is required to be made, maximum that is required of the District Collector is to make a reference afresh upon hearing the effected parties.

4) The order of the learned Board of Revenue does not suffer from any illegality, infirmity or perversity. I therefore do not find any reason to interfere in the impugned-order.

The writ petition is accordingly dismissed.

(MOHAMMAD RAFIQ), J.

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